

REMARKS

Claims 11, 14-16, 18, 20 and 53-62 are pending in the application with the present amendments.

In response to the objections in paragraph 3 of the Office Action, claims 4, 5, 6, 8 and 10 are cancelled and renumbered herein as claims 58 through 62. As the language of claims 58 through 62 is exactly the same as that of the former claims 4, 5, 6, 8 and 10, applicant submits that the scope of these claims is the same as that of the former claims 4, 5, 6, 8 and 10 and no estoppel can result from the present cancellation and renumbering of the claims.

Applicant is somewhat surprised by the present rejections of the claims over U.S. Patent No. 6,505,160 to Levy et al. ("Levy et al.") or the combination of Levy et al. together with U.S. Patent No. 5,714,403 to Stefik ("Stefik"). The examiner accepted the amendments and arguments distinguishing the amended claims from the combination of Levy et al. and Downs approximately two years ago in response to the amendment filed June 27, 2005. It is puzzling that Levy et al. is being cited again to reject the claims after they have been fully distinguished therefrom.

Applicant respectfully submits that the features of the invention claimed in the claims are neither taught nor suggested by Levy et al., nor by the combination of Levy et al. with Stefik. Levy et al. merely describes a system (FIG. 1) in which content is distributed with an identifier so that a receiver of the content can access "meta data" related to the distributed content. For example, the receiver can use the identifier received with music content to access a song title, lyrics and/or artist information (col. 2, 46-53). However, Levy et al. does not teach distribution of one or more pieces of content together with time identification information attached to the content. A timestamp, e.g., the "play time" of the

piece, as described in *Levy et al.* (col. 4, lns. 43-48; col. 10, lns. 53-62; col. 3, lns. 37-45; col. 13, lns. 15-22) is generated at a user radio receiver or user player equipment (col. 10, ln. 54). It is not attached to a piece of content as distributed. *Levy et al.* makes a distinction between "embedded context information" and "additional context information." The embedded context information may contain a radio station identifier (col. 8, lns. 65-67) and may be transmitted with the content information (col. 4, lns. 20-22). "A decoding process" (in the user "player, tuner, capture device" FIG. 1) can "add additional context information" which can include the time of playback. (col. 4, lns. 40-47). *Levy et al.* further states that "the time of playback or distribution" etc. "can be used to identify the audio object." (col. 3, lns. 37-38). In the same paragraph, *Levy et al.* explains how this is done: "At decoding time, the station ID is extracted and used along with context information such as the air time of the audio object to look up the audio object or its corresponding metadata and actions." (col. 3, lns. 42-48). From column 10, ln. 54 it is clear what *Levy et al.* means by the air time of the audio object: namely, a "play time captured at the tuner." The cited passages of claims 8 and 9 (col. 17, lns. 2-8) make reference to context information and a timestamp. However, these passages do not run counter to the basic premise that such context information and timestamp are generated at the user player equipment and thus, are not attached to and distributed with the content.

Since the remaining claims depend from claims 11 and 53 it is submitted that all claims are fully distinguished from *Levy et al.* and *Stefik*.

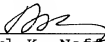
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such

action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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